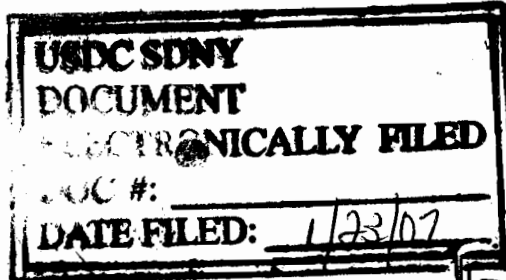
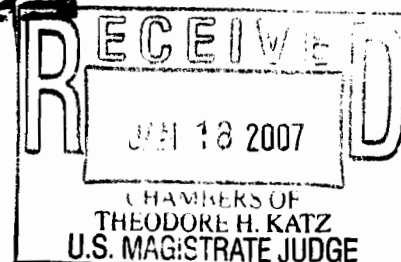


C A D W A L A D E R

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January 18, 2007

VIA FACSIMILE (212-805-7932)Honorable Theodore H. Katz
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007Re: Vaicaitienc v. Partners In Care, Inc. and Visiting
Nurse Service of New York, Inc., 04 Civ. 9125 (RMB)(THK)

Dear Judge Katz:

We are the attorneys for defendants in the above-referenced proceeding. I write at this time to advise the Court that on January 5, 2007, the Supreme Court granted certiorari in Coke v. Long Island Care At Home. It is anticipated that oral argument will take place in April 2007, with a decision before the Court recesses at the end of June. A copy of the Order granting certiorari is annexed hereto (see page 2 of 1/5/07 orders). As Your Honor will recall, the Coke decision held that the regulation that extends exemption from Fair Labor Standards Act requirements to agencies such as defendants is unenforceable.

Under the circumstances, counsel have discussed the discovery and briefing schedule set forth in this Court's Amended Scheduling Order filed September 20, 2006. Subject to the Court's approval, the parties have agreed that it would be reasonable to postpone the dates set forth in the Order to a point in time after the Supreme Court has ruled. Specifically, the parties propose that the first date in the Order (for completion of class-related discovery) be re-set for a date 45 days after the date of the Supreme Court's decision in Coke and that each subsequent date in the Order be extended such that the time between said dates remains as set by the Amended Scheduling Order.

C A D W A L A D E R

Honorable Theodore H. Katz
January 18, 2007

Counsel for the parties have conferred to reach this agreement and counsel for plaintiff has reviewed this letter in draft form. The parties respectfully request that the foregoing proposed amendment to the Amended Scheduling Order of September 20, 2006 be So Ordered by the Court.

Respectfully,


Kathy H. Chin

Attachment

cc (via facsimile): Karl J. Stoecker, Esq.
Attorney for Plaintiff

SO ORDERED:


Hon. Theodore H. Katz

Dated: January 23, 2007

*This action shall be placed
on the Court's Suspense Docket.
Promptly upon the Supreme Court's
decision in the Coke case, the
parties shall apprise the
Court of their intentions.*